

Dr. Karolina Agra  
500 E. 63<sup>rd</sup> Street, Apt. 13F  
New York, New York 10065  
(646) 770-2045  
[marciniak.kar@gmail.com](mailto:marciniak.kar@gmail.com)

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December 11, 2024

**Via Pro Se Intake Unit**

Honorable John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 12D  
New York, New York 10007  
[CronanNYSDChambers@nysd.uscourts.gov](mailto:CronanNYSDChambers@nysd.uscourts.gov)

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**Re: Marciniak-Domingues Goncalves Agra, et al. v. Massachusetts Institute of Technology, et al.  
Case No. 1:23-cv-10305**

Dear Judge Cronan:

I, Plaintiff, *pro se*, write to inform the Court of the current state of negotiations with Defendants regarding a voluntary Stipulation of Dismissal in this action, as directed by the Court on December 4, 2024. Additionally, I write to the Court in a matter of the recent filing by Ms. Clancy, my former attorney, seeking leave to withdraw from this action (ECF No. 115).

Unfortunately, Ms. Clancy's negligence and incompetence caused me to discharge her as my attorney as soon as I realized that Ms. Clancy's conduct violated the New York Rules of Professional Conduct (specifically Rule 1.1 and 1.8), on December 4, 2024.

I retained Ms. Clancy on August 23, 2023 for the purpose of pursuing already filed federal action in the SDNY, *Marciniak I*, in front of Judge Carter (1:22-cv-10959). Specifically, Ms. Clancy was retained to seek amendment of my *pro se* initial filings in that case, to pursue all available claims, including those under the Adult Survivors Act and Gender-Motivated Violence Act, and to include the individual defendants, Winrich Freiwald, and Frederico Azevedo, sexual harassment perpetrators. However, as soon as I signed with Ms. Clancy's law firm, Shegerian and Associates, from August 23, 2023, I did not have control over Ms. Clancy's following actions on my behalf.

Instead of seeking to amend *Marciniak I*, on November 22, 2023, Ms. Clancy filed a separate lawsuit, this action, *Marciniak II*, which I neither authorized nor had any chance of reviewing. Later, when given this Court's leave to cure the issue of claim splitting, which emerged as a direct result of Ms. Clancy's error, she failed to properly rectify the situation. Instead of seeking dismissal of *Marciniak II* without prejudice, she simply refiled the existing claims without modification and added a new one, which originally was to be raised in *Marciniak I*, again, without seeking my authorization or review. Ms. Clancy's conduct frustrated the justice. For now, I intend to proceed *pro se*, until contracting a new attorney.

To cure the claim splitting problem, I am seeking the leave to amend *Marciniak I*, to:

- (i) assert Title VII, NYSDHR, and NYCHRL claims of sexual harassment and retaliation, which in *Marciniak I* are currently stated only against corporate Defendants, also against Mr. Freiwald. In *Marciniak II*, these claims are asserted in I- VI Causes of Action,
- (ii) assert Civil Battery under the New York Adult Survivors Act against all Defendants. This claim, solely as to Mr. Azevedo, is asserted in *Marciniak II* as VII Cause of Action,
- (iii) assert the claim under NYC Gender-Motivated Act against all Defendants. This claim was asserted only in Second Amended Complaint in this action as IX Cause of Action.

For that purpose, I rely on relation back doctrine, as (i) both, new and old claims arose out of the same conduct, transaction or occurrence, (ii) the new parties are “united in interest” with the original Defendants and by reason of that relationship, can be charged with such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits; and (iii) the new party knew or should have known that, but for an excusable mistake by plaintiff as to the identity of the proper parties, the action would have been brought against him as well, fulfilling a three-pronged test utilized by the courts to determine whether relation back is applicable under CPLR 203. See *In Brock v. Bua*, 83 A.D.2d 61(2d Dept. 1981).

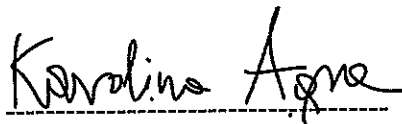
On December 6, 2024, I reached out to Defendants in this action with a draft of voluntary Stipulation of Dismissal (**EXHIBIT A**). This draft preserved my right to pursue already existing causes of action in *Marciniak I* pursuant to Title VII, and to add the ones, which were to be add in *Marciniak I* if not for Ms. Clancy’s mistake, pursuant to Adult Survivor Act and Gender-Motivate Violence Act.

I requested to know until December 10, 2024, whether Defendants agree. I received a response solely from Defendant MIT, who disagreed with dismissing IX Cause of Action without prejudice. I received no response from Mr. Azevedo neither Mr. Freiwald nor Defendant the Rockefeller University.

In light of the above, I respectfully request that this Court allow the administration of justice and dismiss this action, *Marciniak II*, without prejudice.

Respectfully submitted,

Dr. Karolina Agra  
(Plaintiff *pro se*)



500 E 63rd St, Apt 13F  
New York, NY 10065  
(646) 770 2045  
marciniak.kar@gmail.com

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DR. KAROLINA MARCINIAK-DOMINGUES  
GONCALVES AGRA,

Plaintiffs,

-against-

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, ROCKEFELLER UNIVERSITY,  
FREDERICO AZEVEDO and WINRICH  
FREIWALD,

Defendants.

No. 23-cv-10305 (JPC)

**STIPULATION OF DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Karolina Marciniak-Domingues Goncalves Agra and Defendants Massachusetts Institute of Technology (“MIT”), The Rockefeller University (“RU”), Federico Azevedo (“Azevedo”) and Winrich Freiwald (“Freiwald”), by and through undersigned counsel (Plaintiff is Pro Se), hereby stipulate and agree as follows:

(1) This action as to Title VII claims (First and Fourth Causes of Action), NYS Human Rights Law claims (Second and Fifth Causes of Action), and NYC Human Rights Law claims (Third, Sixth) is hereby dismissed with prejudice against Defendants MIT and Azevedo, and without prejudice against Defendants RU and Freiwald.

(2) This action is hereby dismissed with prejudice as to the Eighth Cause of Action (Intentional Infliction of Emotional Distress) against all Defendants except Defendant RU. The

claim against Defendant RU for Intentional Infliction of Emotional Distress is dismissed without prejudice.

(3) This action is hereby dismissed without prejudice as to the Seventh Cause of Action (Civil Battery under Adult Survivor Act) and Ninth Cause of Action (Gender-Motivated Violence).

(4) Each party shall bear her/its own attorneys' fees, costs, and expenses.

Dated: December 6, 2024  
New York, New York

Dr. Karolina Marciniak-Domingues  
Goncalves Agra

PROSKAUER ROSE LLP

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Dr. Karolina Marciniak-Domingues  
Goncalves Agra

500 E 63<sup>rd</sup> St, Apt 13F  
New York, New York 10065  
Tel. 646.770-2045  
marciniak.kar@gmail.com

*Plaintiff Pro Se*

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Elise M. Bloom  
Patrick J. Lamparello  
Noa M. Baddish  
PROSKAUER ROSE LLP  
Eleven Times Square  
New York, New York 10036-8299  
Tel. 212.969.3000  
Fax 212.969.2900  
ebloom@proskauer.com  
plamparello@proskauer.com  
nbaddish@proskauer.com

*Attorneys for Defendants  
The Rockefeller University and  
Dr. Winrich Freiwald*

BOND, SCHOENECK & KING, PLLC

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Louis P. DiLorenzo  
Mallory Campbell  
Bond, Schoeneck & King, PLLC (NYC)  
600 Third Avenue 22nd Floor  
New York, NY 10016  
(646) 253-2300  
Fax: (646) 253-2301  
Email: [Dilorel@bsk.com](mailto:Dilorel@bsk.com)  
Email: [mcampbell@bsk.com](mailto:mcampbell@bsk.com)

*Attorneys for Defendant  
Federico Azevedo*

GOODWIN PROCTER LLP

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Emily Unger  
Jennifer Chunias  
Goodwin Procter LLP  
100 Northern Avenue  
Boston, MA 02210  
617-570-1000  
Email: [cunger@goodwinprocter.com](mailto:cunger@goodwinprocter.com)  
Email: [jchunias@goodwinlaw.com](mailto:jchunias@goodwinlaw.com)

Marco Yu-Hin Wong  
Goodwin Procter LLP  
620 Eighth Avenue  
New York, NY 10018  
212-813-8800  
Email: [MarcoWong@goodwinlaw.com](mailto:MarcoWong@goodwinlaw.com)

*Attorneys for Defendant  
Massachusetts Institute of Technology*